

## Former NFL Star Chad “Ochocinco” Johnson Serves as a Reminder that Court Decorum Matters

By Daniel W. Huitink

This week, former NFL player and Dancing With the Stars contestant Chad “Ochocinco” Johnson learned an important lesson that all litigants and their attorneys must remember: court decorum matters. Johnson appeared in a Florida court to plead guilty to a probation violation and had reached a deal giving him community service instead of jail time. The judge was ready to accept the deal but quickly backtracked after asking Johnson if he was satisfied with his representation and Johnson, to the amusement of the court room, approvingly patted his lawyer on the rear end, a gesture common on the field but not in the courtroom. It was not well taken. The court concluded Johnson was not taking the proceedings seriously, so it rejected the plea deal and sentenced Johnson to 30 days in jail.

These facts are unusual and even amusing at some level (though jail time is no laughing matter). But they should serve as a very important and serious reminder to all persons involved in any litigation that behavior in court counts. A courtroom is not a casual social scene; it is a place of government where serious, life-altering determinations are made every day. It also is the one-guaranteed place where a judge gets to see and attach people and faces to stories that he or she may only have read about through pleadings and motions. Thus, whether consciously or subconsciously, a judge’s

perception of facts may change based on what happens in the courtroom. If a litigant is red faced and angry, perhaps the judge will see why an accusation of aggressive behavior may be legitimate. If a litigant is casual and aloof, perhaps the judge will more likely believe an argument that the lawsuit was brought merely as a way to harm or embarrass a defendant. If a litigant looks sloppy or is perceived as rude, perhaps the judge will see merit to claims of unprofessional conduct, or worse. These perception risks only intensify when a jury is seated and six or more persons with differing backgrounds must look at litigants and decide, whose story do we believe?

Unfortunately, a one-size-fits-all approach to managing court perceptions doesn’t work. People and their stories, circumstances, and styles all vary, and effective representation should account for those differences. But no matter the case, one should never discount that conduct in a courtroom is important and that a courtroom is a place worthy of respectful behavior. And while judges are people too and stories abound about their good-natured humor, taking a too-casual approach to court appearances may damage a case or, in the case of Mr. Johnson, lead to an unexpected and unfortunate result.



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